IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.33343-M of 2007
Date of Decision:- 10.09.2007

Jaipal Singh ....Petitioner(s)

through
Mr.PPS Duggal, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is to release the petitioner on regular bail in F.I.R.No.80 dated 20.7.2004 under Sections 364/364-A/360/120-B IPC registered at Police Station Division No.8, Ludhiana.

As per the allegations, the petitioner and his co-accused had kidnapped a child, namely, Chirag, apparently on account of some property dispute between the parties.

The petitioner was arrested on 22.7.2004.

It also appears that the petitioner is the main accused in the aforesaid case. There is, however, no dispute that after framing of charges, the prosecution has already examined the complainant,namely, the father of the child, the child himself as also another crucial witness, namely, Lalit Kumar. Statements of some other crucial witnesses have also been recorded. However, about 14-15 witnesses are yet to be examined and, thus, the

conclusion of trial will take considerably long period.

The petitioner is in custody for the last more than 3 years.

The petitioner's co-accused, namely, Gurbinder Singh @ Rocky, Ranjit Singh @ Rana have already been released on regular bail by this court vide orders Annexures P-6 and P-8.

Since the crucial witnesses have already been examined by the prosecution, there is no possibility of tampering with and/or influencing the remaining witnesses.

Having heard learned counsel for the parties and keeping in view the period of over three years already spent by the petitioner in custody and the fact that the conclusion of trial will still take some more time but without expressing any views on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Ludhiana.

September 10, 2007 **(SURYA KANT)**
poonam **JUDGE**